

DM & Associates Energy, LLC

### Notice of Administrative Law Judge's Ruling

Notice is hereby given that the Administrative Law Judge has completed a preliminary review of the application filed by DM & Associates Energy, LLC ("Applicant") in Docket No. 10-0373, and hereby rules that a verified response, containing the information and clarifications described below, shall be filed with the Commission.

If filed electronically via the Commission's e-docket system, this verified response shall be filed with the Chief Clerk of the Commission on or before July 9, 2010. If the filing is made with the Chief Clerk by non-electronic means, then June 9, 2010 is a mailing date. Applicant shall serve a copy of its response on the Administrative Law Judge (syoder@icc.illinois.gov). For purposes of doing so, June 9, 2010 is a receipt or "in hand" date, not later than 5:00 P.M., by electronic mail, Fax (217-524-8928) or otherwise.

### **Miscellaneous Requirements**

The Applicant is directed to disclose whether it is licensed as an agent, broker or consultant in any other jurisdictions, similar to the licensure required under Section 16-115C of the Illinois Public Utilities Act.

The Applicant is directed to disclose whether it has had any complaints filed against it for its provision of any services in the electric or gas industry in this or any other jurisdiction. If yes, the Applicant is directed to include in its response the nature of the complaint, the jurisdiction, and the ultimate resolution.

### **Managerial Licensing Requirements**

Subsection 454.60(b) states, "The applicant shall include in its application an exhibit containing occupational background information on the persons who are being used to satisfy the requirements of [Section 454.60]."

While Applicant included occupational background information on two individuals, Applicant did not affirm that these two individuals are the persons who are being used to satisfy the requirements of Section 454.60. If Applicant intends to rely on the background information of these two individuals, it is directed to affirmatively indicate that.

Subsection 454.60(c) requires Applicant to "include in its application an exhibit containing a corporate organizational chart and indicating the position of persons [who are being used to satisfy the requirements of Section 454.60]."

In paragraph 9 of its application, Applicant stated, "Attachment Resume includes an exhibit containing a corporate organizational chart and identifying the persons who

are being used to meet the requirements of Part 454.60(a).” It does not appear that the Applicant included the required corporate organizational chart anywhere in the Applications. The Applicant is directed to provide the required organizational chart..

### **Technical Licensing Requirements**

Subsection 454.60(b) states, “The applicant shall include in its application an exhibit containing occupational background information on the persons who are being used to satisfy the requirements of [Section 454.70].”

While Applicant included occupational background information on two individuals, Applicant did not state that these two individuals are the persons who are being used to satisfy the requirements of Section 454.70. In addition, the information provided does not demonstrate that Applicant had experience in the electricity industry of at least one year as required by Subsection 454.60(a).

If Applicant intends to rely on the background information of these two individuals, it is directed to affirmatively indicate that. The Applicant is also directed to provide such additional information as is required to satisfy the requirements of Section 454.70.